

# **Schedule 39-106**

## **DEPARTMENT OF EDUCATION LEGAL COUNSEL**

Nebraska Records Management Division  
440 South 8<sup>th</sup> Street, Suite 210  
Lincoln, NE 68508  
(402) 471-2559

Signature Page to go here.

## **INSTRUCTIONS FOR USING THIS SCHEDULE**

Records retention and disposition schedules are designed to serve as your records management guidelines for storing and disposing of agency records, ***regardless of the media on which they reside***, including paper, microfilm, diskettes, optical disks, CDs, DVDs, servers, computer hard drives, etc. This schedule was written specifically for records unique to your office and the State Agencies General Records Schedule #124 contains those records common to most state government agencies. These retention schedules, which are approved by the State Records Administrator, provide your only ongoing authority to dispose of records. Listed below are some basic procedures to follow when applying your schedule.

### **DISPOSING OF RECORDS**

1. Check your schedules to see what the retention period is. Note: Your agency's unique schedule will take precedence over State Agencies General Records Schedule #124 for any items which have differences in retention requirements.
2. Dispose of records that have met their retention periods.
3. Complete a Records Disposition Report for the records you dispose. The Records Disposition Report form is the last page of this schedule. Remove the form, photocopy it, complete the form, make a photocopy for your records, and send the completed form to the Records Management Division at the address below. If you wish, you may receive this form electronically by contacting the Records Management Division. This report establishes that the destruction was performed in your normal course of business.

**Please remember to retain the blank form for future use.**

### **NON-SCHEDULED RECORDS**

Contact a Records Management Consultant in Records Management to see whether the records will fit under an item already on the schedule. If they do not, they must be retained until they are added to the next revision of your schedule.

### **SCHEDULE UPDATE**

It is the responsibility of each agency to periodically update their schedule. A Records Management Consultant in Records Management can assist you with the schedule update, which involves adding new records and making revisions to existing items. Keeping your schedule current will ensure that you have the ongoing authority to discard records when their useful life has ended.

### **QUESTIONS**

If you have any questions about these procedures, please contact your agency Records Officer or your Records Management Consultant in Records Management. We will help you with any questions the schedule may present, including: transferring records to the State Records Center or State Archives, microfilming records, scanning records, etc.

**Records Management Division  
440 South 8th Street, Suite 210  
Lincoln, NE 68508-2294  
402-471-2559**

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## **SCHEDULE 39-106 – DEPARTMENT OF EDUCATION – LEGAL COUNSEL**

### **39-106-1 DUE PROCESS HEARING FILES**

Records of contested cases under the State Administration Procedures Act filed with the State Board of Education.

**Dispose of 20 years after final decision, except that copies of final orders shall be maintained permanently.**

### **39-106-2 SPECIAL EDUCATION DUE PROCESS CASE FILES**

Records of due process cases filed under 92 NAC 55 involving special education disputes.

**Dispose of 20 years after final decision or after no longer needed to provide educational services to the student, whichever is later, except that copies of final orders shall be maintained permanently.**

### **39-106-3 REGULATION DEVELOPMENT (OFFICIAL RULEMAKING RECORD) FILES (CLOSED FILES)**

These files contain materials related to Nebraska Department of Education's coordination of the rulemaking process under Section 84-906.01 of the Revised Statutes of Nebraska, which include, but are not limited to : The routing sheet approving the hearing draft of the regulation development request with the Commissioner and/or Deputy Commissioner's signed approval attached; the filed and stamped copies of the notice; draft fiscal impact statement; docket, hearing draft; copies of the letter to the Secretary of State and the Legislative Council; the final fiscal impact statement; the explanatory statement; a copy of the Attorney General's (AG's) approval and/or correspondence; the final agency checklist; the final docket; the filed and stamped copies of the final regulations, and the certificate of adoption, a disk or CD of hearing draft approved by the State Board of Education; an audio tape of the public hearing; and relevant substantive correspondence. These files are closed when the final rule is filed with the Secretary of State of Nebraska.

**Transfer to the State Records Center 10 years after closing date; destroy 20 years after closing date subject to review by the State Archivist for possible accession.**

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#### **NOTE**

*1. These records may be disposed of after the required retention period provided the audit of the Comprehensive Annual Financial Report (CAFR) is complete and any required federal audit is complete, and all related audit comments have been resolved. Check with the organization that performed the audit, either the Auditor of Public Accounts or the federal cognizant agency, if there is a question whether resolution is complete.*

## RECORDS DISPOSITION REPORT

<b>TO: SECRETARY OF STATE</b> <b>RECORDS MANAGEMENT DIVISION</b> <b>440 S. 8<sup>TH</sup> STREET SUITE 210</b> <b>LINCOLN, NE 68508-2294</b>	AGENCY
	DIVISION
	SUB-DIVISION

### REQUIRED INFORMATION:

In accordance with the Records Management Act, records of this agency have been disposed of under the authorization granted by the following schedule(s):

SCHEDULE NUMBER(S) ONLY (DO NOT INCLUDE SECTION AND ITEM NUMBERS)	TOTAL VOLUME DISPOSED (SEE REVERSE)

### OPTIONAL INFORMATION (FOR YOUR USE ONLY):

You may include detailed information which will be useful to you in recording exactly what records were disposed of and under what authority. This might include such things as schedule section and item numbers, title of records, inclusive dates of records, etc. This information is not required to be filed with Records Management.

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DATE	SIGNATURE
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**SEND ORIGINAL TO RECORDS MANAGEMENT. MAKE A PHOTOCOPY FOR YOUR RECORDS.**

RMA 03006D

## **VOLUME ESTIMATING GUIDE**

**(PLEASE NOTE THAT FOR REPORTING PURPOSES, A BALLPARK  
ESTIMATE OF THE TOTAL VOLUME OF MATERIAL DISPOSED IS  
ADEQUATE.)**

Vertical File Cabinet, 4 drawer letter-size .....	6 cubic feet
Vertical File Cabinet, 4 drawer legal-size.....	8 cubic feet
Lateral File, 4 drawer/shelf letter-size .....	9 cubic feet
Lateral File, 4 drawer/shelf legal-size.....	12 cubic feet
Records center carton.....	1 cubic foot
About a pickup load.....	50 cubic feet